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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,276	04/05/2001	Garth S. Jones	00-721-US	6338
75	90 09/22/2003			
Frederick H. Colen Reed Smith LLP P.O. Box 488			EXAMINER	
			KHARE, DEVESH	
Pittsburgh, PA 15230-0488			ART UNIT	PAPER NUMBER
			1623	
			DATE MAILED: 09/22/2003	15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Office Action Summary							
Examiner Devesh Khare 1623 16		Applicati n N .	Applicant(s)				
Deveah Khare 1623		09/828,276	JONES ET AL.				
- The MALLING DATE of this communication appears on the c_ver sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Exhapsion of term may be available under the provisions of 3°CFR 1.35(a). In re-event, however, may a reply be limity flied Exhapsion of termine to be available under the provisions of 3°CFR 1.35(a). In re-event, however, may a reply be limity flied If the period for reply supplied above is less than thisty (30) days, a reply which he staked your price with the considered limity. If the period for reply supplied above is less than thisty (30) days, a reply which he staked your will reply the price of the communication. Fairure to early which he act or retorated period for reply will, by staked, caves the explication to become ABMCONED (50 U.S.C § 133). Series and the staked provided the provided of the provided period for reply will, by staked, caves the explication to become ABMCONED (50 U.S.C § 133). Status Status This action is FINAL. 2b) ☑ This action is non-final. 3) ☑ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1.4.6-10 and 17-30 is/are pending in the application. 4) ② Claim(s) 1.4.6-10 and 21-30 is/are withdrawn from consideration. 5) ☑ Claim(s) 1.4.6-10 and 21-30 is/are withdrawn from consideration. 5) ☑ Claim(s) 1.4.6-10 and 21-30 is/are rejected. 7) ☑ Claim(s) 1.4.6-10 and 21-30 is/are rejected. 7) ☑ Claim(s) 1.4.6-10 and 21-30 is/are rejected. 10) ☐ The drawing(s) flied on 1 is/are: a) ☐ scepted or b) ☐ objected to by the Examiner. Application Papers 9) ☐ The proposed drawings are required in reply to this Office action. 10) ☐ The proposed drawing correction filed on 1 is/are: a) ☐ scepted or b) ☐ objected to by the Examiner. If approved, corrected drawin	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Exercisers of sine many be available under the provisions of 37 CFR 1.135(s), in no event, however, may a reply be limitly filed - Exercisers of sine many be available under the provisions of 37 CFR 1.135(s), in no event, however, may a reply be limitly filed - Exercisers of sine many be available under the provisions of 37 CFR 1.135(s), in no event, however, may a reply be limitly filed - Exercisers of sine many be available under the provisions of 37 CFR 1.735(s), in no event, however, may a reply be limitly filed - If NO period for may be available under the mailing and of the soft of the soft of 18 communication. - If NO period for may be available under the mailing and of the communication of 18 communication. - Any reply received by the Cfiles deter than three months and the number of the communication, event items yield, may replice any security of the soft of 18 communication. - Any reply received by the Cfiles deter than three months and the number of the communication, event items yield, may replice any security of 18 communication. - Any reply received by the Cfile site than three months and the number of the communication. - Any reply received by the Cfile site than three months and the number of the communication. - Any reply received by the Cfile site than three months and the number of the communication. - Any reply received by the Cfile site of the three months and the communication. - Any reply received by the Cfile site of the soft of the communication. - Any reply received by the Cfile site of the soft of the communication. - Any reply received by the Cfile site of the maintain and the soft of t							
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Application/Control Number: 09/828,276

Art Unit: 1623

Applicant's Amendment and remarks filed on 6/5/03 on paper no. 14 is acknowledged. Claims 1,4,6,7,8,10 and the abstract have been amended. Claims 2,3,5 and 11-16 have been cancelled. Claims 17-20 have been withdrawn. New claims 21-30 have been added. Claims 1,4,6-10 and 21-30 are currently pending in this application. The rejection of claims 1-4 and 11-16 under 35 U.S.C. 102(e) as being anticipated by Myers et al. (U.S. Patent 6,376,472) has been overcome through applicants' amendment to the claims.

The Examiner's indication of allowable subject matter of claim 10 in Paper No. 11, is vacated because during the course of reconsideration of the application, a prior art reference not previously disclosed by the applicants or the examiner came to light (see rejection below).

35 U.S.C. 103(a) rejection

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,4,6-10 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (U.S.Patent 6,376,472) in view of Olsson et al. (U.S.Patent RE37,045 E).

Claims 1,4,6-10 and 21-30 are drawn toward an adenosine 2',3'-O-isopropylidene analogue, wherein R_1 and R_2 are each an amine group or an alkylamine group; R_3 , R_4 and R_5 are each a hydrogen or a halogen; and R_6 is an alkyl alcohol group or a carboxamido group ,its pharmaceutical compositions and specifically the adenosine-5'-

Page 3

Art Unit: 1623

carboxamide derivatives, of claims 9 and 29, wherein R_6 is a N-alkylcarboxamido group.

Myers et al. teach a compound of the formula where the ribose ring of the adenosine is 2',3'-O-isopropylidene derivative (see claim 1). See column 7, lines 52-63, wherein formula I shows an adenosine nucleoside compound; wherein variables A and B are OR' and OR" and together these variables represent the structure in column 8, lines 41-44 and the R' and R" variables may be hydrogen or alkyl, column 8, lines 46-50; wherein the variable T is the alkyl alcohol group R₃O-CH₂ set forth in column 8, line 25; wherein R₆ is hydrogen and X-Y of the prior art is seen to be a nitrogen containing ring. Pharmaceutical compositions of the invention as claimed are rendered obvious by the disclosure in column 45, lines 26-42; wherein adenosine analogues as disclosed may be formulated into pharmaceutical compositions. While the Myers et al's. 2',3'-Oisopropylidene derivatives of adenosine are closely analogous to the applicant's compounds, Myers et al's. compounds differ from applicant's claimed compounds in that there is no disclosure of adenosine-5'-carboxamide derivatives. It is noted that Myers et al do not provide specific disclosures regarding the substitution of an isopropylidene ring with an amine group or an alkyl amine group.

Art Unit: 1623

Olsson et al. teach the 5'- carboxamido derivatives of 2',3'-O-isopropylidene -adenosine (abstract). Olsson et al. disclose the derivatives of 5'-carboxamidoadenosine compounds of General Formula 8, wherein the substituents of carboxamide group are lower alkyl, hydroxyl, lower alkoxy or halogen substituted straight chain lower alkyl (col. 7, lines 8-15).

Page 4

Therefore, one of ordinary skill in the art would have found the applicants claimed 5'-carboxamido derivatives of 2',3'-O-isopropylidene –adenosine(N-substituted) derivatives and its pharmaceutical composition to have been obvious at the time the invention was made having the above cited references before him. Since Myers et al. disclose the adenosine-5'-(N-substituted) derivatives and Olsson et al. disclose the 5'- carboxamido derivatives of 2',3'-O-isopropylidene -adenosine, one skilled in the art would have a reasonable expectation for success in combining both references to obtain the adenosine-5'-carboxamide compounds, wherein the carbohydrate group is substituted with an isopropylidene ring, its pharmaceutical compositions and specifically the compounds of claims 9 and 29. The motivation for doing so is provided by Myers et al., which suggests the use of Adenosine-5'-(N-substituted)carboxamides and carboxylate esters and N1-oxides thereof for their coronary vasodilating activities (col. 7, lines 1-3).

Any inquiry concerning this communication or earlier communications from the

Application/Control Number: 09/828,276

Art Unit: 1623

Page 5

Examiner should be directed to Devesh Khare whose telephone number is (703)605-

1199. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, Supervisory Patent Examiner, Art Unit 1623 can be reached at 703-308-4624. The official fax phone numbers for the organization where this application or proceeding is assigned is (703) 308-4556 or 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Devesh Khare, Ph.D.,JD(3Y). Art Unit 1623

September 11,2003

JAMES O. WILSON